

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 03 MDL 1570 (RCC)

-----X
THOMAS BURNETT, SR., et al. 03 CV 9849 (RCC)

Plaintiffs,

v.

AL BARAKA INVESTMENT & DEVELOPMENT CORP., et al.,

Defendants.

-----X

DECLARATION OF MICHAEL E. ELSNER

MICHAEL E. ELSNER declares under penalty of perjury as follows:

1. I am an attorney admitted to practice before this Court and am an associate of MOTLEY RICE LLC, counsel for plaintiffs in Burnett, et al. v. Al Baraka Investment & Development Corp., et al., Civil Action No. 03 CV 9849. I submit this declaration to provide the Court with further evidence concerning service on the defendant Al Haramain.

2. My statements in this declaration are based on my personal knowledge.

3. On March 23, 2004, I traveled to Ashland, Oregon. While in Ashland, I visited the address claimed by Al Haramain's counsel as the charity's physical address, 3800 S. Highway 99, Ashland, Oregon. It does not appear that Al Haramain maintains a physical office in Ashland, Oregon. The address given by Al Haramain's lawyer is a personal residence. Moreover, the building is not open to the public. All of the shades

and/or curtains are closed shut, the property is surrounded by a large fence and a large gate precludes entrance to the property. The gate was secured with a padlock and a warning sign, "No Trespassers" was posted on the gate. Attached as Exhibit 1 are photographs of the residence and of the padlocked gate.

4. My observations were independently confirmed by a search warrant, attached as Exhibit 2, which was granted to Special Agent Colleen Anderson and authorized officers of the United States, Case Number 04-4009-M, in the United States District Court, Oregon. Attachment A to the search warrant describes the location to be searched, 3800 South Highway 99:

The location to be searched is a one story residential building located at 3800 S. Highway 99 in Ashland, Oregon. The location is owned by the Al Haramain Foundation, Inc.

The residence is located on a hillside with acreage, at the end of a paved driveway that intersects S. Highway 99. There are two large white metal gates that mark the entrance of the driveway from S. Highway 99. The gate usually has no trespassers sign attached to it along with two small American flags and is quite often chained shut.

The residence is gray in color with green trim and has a large deck across the front. According to Jackson County Assessor's records, the residence was built in 1973 and is a one story residence with a basement and garage on the bottom level and a total of 4157 livable square feet.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 25, 2004.


MICHAEL E. ELSNER (ME-8337)